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Preparatory Committee for the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
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"Working paper on elements for a framework for cooperation and action on illicit trade in small arms and light weapons in all its aspects" submitted by South Africa on 2 March 2000

Introduction

1. The challenge in addressing the proliferation of small arms and light weapons, and indeed the challenge for the 2001 Conference, is to marshal the necessary human and financial resources, to coordinate national and regional initiatives and to raise the profile of the issue to gain the active support from Governments, politicians and civil society in all States. The Conference should, therefore, provide an agreed framework for future action and cooperation to combat the proliferation of small arms and light weapons. To this end the Conference should recognize that small arms and light weapons must be dealt with from an inclusive perspective of arms control and disarmament, post-conflict peace-building, conflict prevention and socio-economic development.

Scope

2. The 2001 Conference should focus on illicit trade in small arms and light weapons in all its aspects based, among others, on the issues as identified in the reports of the Secretary-General on small arms (A/54/260 and Add.1). To effectively address its mandate, the focus of the conference should not only be limited to illicit trade it should also deal with issues of illicit manufacture, use, stockpile and transfer of these weapons, including ammunition. Inadequate legal controls over small arms and light weapons in the context of the manufacture, use, stockpiling and transfer of such weapons contribute to illicit trade of those weapons. It is, therefore, important that the Conference should also facilitate relevant national, regional and international action, cooperation and coordination in order to promote responsible policies in the manufacture, transfer and use of small arms, light weapons and ammunition. Only through increased transparency and better controls over the legal arms trade would the international community be able to effectively constrain illicit arms trade.

Objective

3. The Conference should increase cooperation in combating the illicit trade in small arms and light weapons and avoid duplication of initiatives in order to ensure that scarce resources are utilized effectively. The Conference should formulate a political declaration that sets out a framework for future cooperation and action on small arms and light

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weapons in all its aspects based upon the experiences of national and regional approaches.

Agenda

4. The agenda for the Conference should be all-inclusive and should provide opportunities to consider all national and regional approaches and measures to address the proliferation of small arms and light weapons. The approaches and measures to be considered should be based on the elements of the framework for future cooperation and action on small arms and light weapons.

Elements for a framework for cooperation and action on illicit trade in small arms and light weapons in all its aspects

5. The results of the Conference should include a political declaration that sets out a framework for future national, regional and international cooperation and action on small arms and light weapons in all its aspects and should identify and prioritize short, medium and long-term approaches that could prevent, combat and eradicate illicit trade in these weapons in all its aspects. The elements for such a framework could be clustered around the prevention, combating and eradication of the illicit manufacturing of, excessive and destabilizing accumulation of and trafficking in small arms and light weapons and could include the following:

(a) Preamble. The preamble should provide a recognition of the importance of national, regional and international cooperation and initiatives to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects. The preamble should stress the need, especially during peace processes and post-conflict situations, to maintain effective control over small arms and light weapons as well as ammunition. It should also recognize the impact of small arms and light weapons on socio-economic development, reconstruction of post-conflict societies and the human costs of the use of these weapons on civilian populations;

(b) Improving systems to trace and eradicate illicit arms flows by:

(i) Ensuring the effective management and safe storage of weapons stockpiles and the destruction of surplus weapons. International cooperation would be needed in order to prevent the loss of small arms and light weapons from government stockpiles. Accurate inventories should be kept and States should seek an agreement to destroy all surplus or obsolete weapons in their stocks to prevent them from entering the illicit market;

(ii) Facilitating cooperation in tracing illicit arms and light weapons. Cooperation between States would be needed to facilitate the tracing of illicit weapons. Information exchange mechanisms should be created on a regional/international basis to assist in the identification of weak points in the chain of illicit supply and to take appropriate action;

(iii) Building the operational capacity of law enforcement agencies to implement controls on illicit trafficking. Law enforcement agencies need to be capacitated to implement any agreements reached. Important areas would include development and training for which resources should be earmarked to facilitate this important task;

(iv) Marking small arms efforts to prevent and combat the diversion of arms to illicit markets would be strengthened if there were an improved capacity to trace how weapons had actually become illicit. States should consider a mechanism or system whereby all small arms and light weapons should be marked at the point of manufacture. Accurate records should be kept of such markings. All unmarked arms should either be destroyed or marked when they come into the possession of the authorities;

(c) *Strengthening controls on accumulations* and transfer of small arms and light weapons by:

(i) Introducing controls on weapons transfers. Legitimate arms transfers can be diverted to illicit or unauthorized destinations through, amongst others, false end-user certificates. Criteria should be discussed to prevent such diversion;

(ii) Enforcing arms embargoes. Arms embargoes are in theory one of the most powerful

tools at the disposal of the Security Council. But too often in practice they are circumvented by unscrupulous Governments and private brokers. The effective implementation of United Nations arms embargoes should be addressed;

(iii) Controlling supplies of ammunition. Controls on the manufacture, transfer and accumulation of ammunition should be elaborated upon;

(iv) Regulating arms brokering and shipping agents. There is growing evidence that many of the small arms and light weapons entering conflict areas are transferred by arms brokering and shipping agents. The conference should seek an international agreement on the measures needed to control brokers. In particular, the establishment of national laws regulating brokering and criminalization of breaches of the regulations should be addressed;

(d) Promoting the removal of arms from society and the destruction of surplus arms by:

(i) Removing illicit and surplus small arms and light weapons from circulation. States should discuss experiences of different programmes — particularly the exchange of weapons for development programmes — and agree on guidelines for effective practice. Emphasis should be placed on the disposal of such arms through destruction;

(ii) Prioritizing the effective disarmament, demobilization and reintegration of former combatants. If combatants are not effectively disarmed and reintegrated when conflicts end and during peace processes, weapons get diverted into the illicit market. The Conference should agree on the inclusion of an effective disarmament component in all United Nations peacekeeping and peace support missions;

(iii) Restricting military small arms to government forces. Criteria should be established whereby States restrict the use of small arms designed for military and police use to such forces only;

(e) Enhancing transparency, information exchange and consultation on arms by:

(i) Enhancing transparency. The conference should agree on the development of national and international small arms transparency mechanisms that could address transparency of transfers of such arms;

(ii) Improving information exchange and consultation between Governments. States should agree on a number of international information exchanges that can help build confidence and facilitate agreement on the level of small arms and light weapons needed for national defence and the incidence and patterns of illicit arms flows;

(f) Improving international cooperation and assistance by ensuring that initiatives based on identified elements to combat, prevent and eradicate the illicit trade in small arms and light weapons are effectively implemented and that areas where States and regions could benefit from relevant international cooperation and assistance are identified. Such areas could include assistance in the destruction of surplus and illicit arms and improve the capacity of national law enforcement and arms control agencies and assistance for the demobilization and reintegration of former combatants;

(g) Strengthening international humanitarian law. The excessive and destabilizing accumulation and use of small arms and light weapons have resulted in civilian casualties. The issue of small arms in the context of international humanitarian law needs to be further explored.